

AMENDED IN ASSEMBLY MAY 13, 2010
AMENDED IN ASSEMBLY APRIL 29, 2010
AMENDED IN ASSEMBLY JANUARY 4, 2010

Senate Joint Resolution

No. 9

**Introduced by Senator Kehoe
(Principal coauthor: Senator Leno)**

(Principal coauthors: Assembly Members Ammiano, Ma, and
John A. Perez)

(Coauthors: Assembly Members Brownley, Evans, Feuer, Jones, Lieu,
Monning, ~~and Salas~~ *Salas, Adams, Arambula, Bass, Beall, Block,*
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Carter, Chesbro, Coto, De La Torre, De Leon, Eng, Fletcher, Fong,
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Torricono, and Yamada)

May 28, 2009

Senate Joint Resolution No. 9—Relative to the “Don’t Ask, Don’t Tell” military policy.

LEGISLATIVE COUNSEL’S DIGEST

SJR 9, as amended, Kehoe. Military: “Don’t Ask, Don’t Tell” policy.
This measure would urge the Congress and the President of the United States to adopt the Military Readiness Enhancement Act of 2009 (H.R. 1283), which institutes a policy of nondiscrimination based on sexual orientation, and to repeal the “Don’t Ask, Don’t Tell” policy.

Fiscal committee: no.

1 WHEREAS, Since the 1993 codification into law by the United
2 States Congress, and by the signature of the President, the policy
3 now known as “Don’t Ask, Don’t Tell, Don’t Pursue, Don’t
4 Harass” (National Defense Authorization Act for Fiscal Year 1994
5 (Public Law 103-160)), has led to the discharge of a great number
6 of lesbian and gay service members, thus ending their careers and
7 burdening them with a lifelong stigma; and

8 WHEREAS, The capacity of the Armed Forces of the United
9 States to carry out its missions is hindered when competent and
10 qualified individuals are involuntarily discharged from those forces;
11 and

12 WHEREAS, The Armed Forces of the United States have been
13 forced to retain Reserve and National Guard service members on
14 active duty past standard deployment lengths in order to carry out
15 its recent missions; and

16 WHEREAS, The ability of the Armed Forces to recruit and
17 retain the best and brightest Americans is hindered by excluding
18 a section of the population solely because of sexual orientation;
19 and

20 WHEREAS, Transgender and transsexual service members are
21 not specifically banned by “Don’t Ask, Don’t Tell,” which
22 addresses only issues of sexual orientation, but are nonetheless
23 harmed by “Don’t Ask, Don’t Tell,” because they are often
24 harassed or accused of being gay or lesbian on the basis of
25 nongender-conforming behavior; and

26 WHEREAS, Lesbian and gay service members have served
27 honorably throughout United States history and continue to serve
28 with distinction on active duty; and

29 WHEREAS, These men and women have achieved military
30 honors, decorations, and promotions to the highest ranks of their
31 respective services for their valor and service to the people of the
32 United States; and

33 WHEREAS, At least 24 other nations, including Great Britain,
34 Australia, Canada, and Israel, allow open service by gays and
35 lesbians; and

36 WHEREAS, The Department of Homeland Security, the Federal
37 Bureau of Investigation, the Defense Intelligence Agency, the
38 National Security Agency, the Central Intelligence Agency, the
39 Secret Service, and other federal departments handling national

1 security allow their lesbian, gay, bisexual, and transgender
2 personnel to serve openly; and

3 WHEREAS, There are at least 65,000 gay and lesbian service
4 members on active duty today and another 1,000,000 gay and
5 lesbian veterans who have served our nation proudly; and

6 WHEREAS, More than 13,000 service members have been
7 discharged under the “Don’t Ask, Don’t Tell” policy, including
8 hundreds of service members in “critical occupations,” such as
9 counterintelligence experts and medical specialists; and

10 WHEREAS, According to a Government Accountability Office
11 report, 323 language specialists have been discharged from the
12 military under the “Don’t Ask, Don’t Tell” policy, including 55
13 Arabic and 9 Farsi translators, vitally important positions to
14 intelligence gathering and in critical shortage; and

15 WHEREAS, American taxpayers have paid between \$250
16 million and \$1.2 billion to investigate, eliminate, and replace
17 qualified and patriotic service members who want to serve their
18 country but are dismissed because their sexual orientation violates
19 the “Don’t Ask, Don’t Tell” policy; and

20 WHEREAS, Evidence from a study conducted by the Center
21 for the Study Of Sexual Minorities in the Military suggests that
22 the “Don’t Ask, Don’t Tell” policy increases the stress levels of
23 gay troops, lowers their morale, impairs their ability to form
24 trusting bonds with their peers, restricts their access to medical
25 care, psychological services, and religious consultations, and limits
26 their ability to advance professionally and their willingness to join
27 and remain in the services; and

28 WHEREAS, Every Department of Defense authorized study
29 has shown that there is no correlation between sexual orientation
30 and unit cohesion in the Armed Forces; and

31 WHEREAS, Public opinion polls have found that the majority
32 of American citizens support keeping trained and skilled openly
33 gay and lesbian service members in the military and repealing
34 “Don’t Ask, Don’t Tell”; and

35 WHEREAS, A 2006 study of the Michael D. Palm Center found
36 that nearly three in four troops say they are personally comfortable
37 in the presence of gays and lesbians; and

38 WHEREAS, More than 100 retired generals and admirals have
39 called for the repeal of “Don’t Ask, Don’t Tell”; and

1 WHEREAS, The readiness of the United States military to
2 protect and defend our nation is severely compromised because
3 of the discriminatory “Don’t Ask, Don’t Tell” policy that is
4 arbitrarily enforced by commanders whose personal beliefs may
5 influence their disciplinary action; and

6 WHEREAS, Discharges under the “Don’t Ask, Don’t Tell”
7 policy are historically fewer when troop strength is low, as in times
8 of war, which denotes the tacit recognition by the military that
9 lesbian and gay service members are fit and capable of military
10 service, thereby further illustrating the arbitrary enforcement of
11 this policy; and

12 WHEREAS, California has 27 military bases that are home to
13 tens of thousands of military personnel and their families, and,
14 according to a 2004 Urban Institute study, an estimated 137,000
15 gay and lesbian veterans live in California; and

16 WHEREAS, The Legislature and courts of the State of California
17 have extended protections based on sexual orientation and gender
18 identity that affirm the equality under the law of lesbian, gay,
19 bisexual, and transgender residents in order to prevent invidious
20 discrimination; and

21 WHEREAS, In 2004 the California Legislature passed, and the
22 Governor signed, legislation that protects nonfederally recognized
23 personnel in the California State Militia from the threat of “Don’t
24 Ask, Don’t Tell”; and

25 WHEREAS, In 2005 and 2007 the California Senate resolved,
26 and the Assembly thereof concurred, that the California Legislature
27 respectfully urged the President and the United States Congress
28 to adopt the Military Readiness Enhancement Act of 2005 (H.R.
29 1059) and the Military Readiness Enhancement Act of 2007 (H.R.
30 1246), respectively, to end the discriminatory policy of “Don’t
31 Ask, Don’t Tell”; and

32 WHEREAS, Military readiness is enhanced when every
33 qualified, capable American, regardless of sexual orientation, is
34 welcomed into our Armed Forces and has their talents utilized in
35 the best interest of our national security; now, therefore, be it

36 *Resolved by the Senate and the Assembly of the State of*
37 *California, jointly,* That the Legislature of the State of California
38 respectfully urges the President and the Congress of the United
39 States to adopt the Military Readiness Enhancement Act of 2009
40 (H.R. 1283), reintroduced in the 111th Congress of the United

1 States on March 3, 2009, by a bipartisan group of 186 cosponsors,
2 and the Military Readiness Enhancement Act of 2010 (S. 3065),
3 introduced in the United States Senate on March 3, 2010, by
4 Senator Joseph Lieberman and 13 cosponsors, to end the
5 discriminatory federal policy of “Don’t Ask, Don’t Tell”; and be
6 it further

7 *Resolved*, That the Secretary of the Senate transmit copies of
8 this resolution to the President of the United States, to each Senator
9 and Representative in the Congress of the United States, and to
10 the presiding officer of each house of each state legislature of the
11 several states.